

*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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**SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2024-00022  
Approved by Planning and Zoning: April 2, 2024  
Permission is hereby granted to: BY Company LLC  
to use the premises located at: 212 Queen Street  
for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

April 2, 2024

*Karl Moritz* (by T. LaColla)

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Date

Karl Moritz, Director  
Department of Planning and Zoning

DATE: April 2, 2024

TO: Tony LaColla, Division Chief, Land Use Services  
Department of Planning and Zoning

FROM: Patrick Silva, Urban Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2024-00022  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: BY Company LLC  
Location: 212 Queen Street  
Zone: CD/Commercial Downtown

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**Request**

Special Use Permit #2024-00022 is a request to change the ownership of a restaurant at 212 Queen Street, known as Momo Sushi & Café, from Yeon Sin Son to BY Company LLC. The business plans to continue operate as Momo Sushi & Café and no additional changes to the operation of the business are planned.

**Background**

In May 1997, City Council granted Special Use Permit #1997-00026 for the operation of a restaurant with carry-out service located at 212 Queen Street. In February 1998, City Council granted Special Use Permit #1997-00181 to expand the existing restaurant by adding seats and the on-site preparation of sandwiches. In June 2003, staff administratively approved Special Use Permit #2003-00046 for a change in ownership to transfer the ownership to Vitalino Roberto DeLeon. In June 2005, staff administratively approved Special Use Permit #2005-00053 to change the ownership of the restaurant to Yeon Sin Son who began to operate the restaurant as Momo Sushi & Cafe. In October 2005, City Council granted Special Use Permit #2005-0071 to change the hours of operation and to increase seating. Most recently, in June 2009 City Council approved Special Use Permit #2009-00018 to again increase seating and the hours of operation.

**Parking**

The subject property is located within the Central Business District (CBD). Pursuant to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from ordinary parking requirements. The subject site is well served by public transportation, including nearby King Street Trolley stops, the DASH bus, Metrorail buses, and is located within a few blocks of several Capital Bikeshare Stations which provide alternative forms of transportation for employees and customers to reach the restaurant.

**Community Outreach**

Public notice was provided through the City's eNews, via the City's website, and by posting a placard at the site. In addition, the Old Town Civic Association was sent an e-mail with information

about the current application. Staff has received no public comments regarding the request.

**Staff Action**

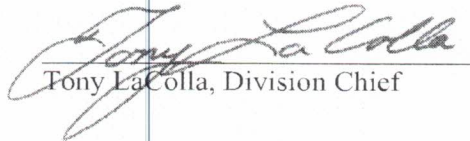
Staff does not object to the request for a change of ownership for the restaurant as one has operated successfully at this location for many years with little to no negative impacts on the surrounding neighborhood in an area where many other restaurants currently operate will similar success.

However, a number of Special Use Permit conditions have been upgraded to bring the approval into compliance with present-day standard Special Use Permit conditions of approval for restaurants. This includes amendments to Conditions #2, #4, #7, #8, #9, #11, #15, #16, #17, and #24 , the addition of new Conditions #25, #26, #27, #28, #29, #30, #31, #32, #33, and #34, as well as the deletion of Condition #18 which is no longer applicable.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: April 2, 2024  
Action: Approved

  
Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent



**CONDITIONS OF SPECIAL USE PERMIT #2024-00022**

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2005-0071)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor Seatings at the restaurant shall be provided for a maximum of 44 customers comply with the state building code. (P&Z) (SUP2009-00018)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2005-0071)
4. **CONDITION AMENDED BY STAFF:** No Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the shall be provided at the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (SUP #2005-0071)
5. The hours of operation shall be limited to 7:00 a.m. to midnight daily. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2005-0071)
7. **CONDITION AMENDED BY STAFF:** On- and off premises alcohol sales of wine and beer are permitted in compliance with appropriate VA ABC requirements license. (P&Z) (SUP #2005-0071)
8. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP #2005-0071)
9. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be placed in sealed containers which do not allow odors to escape, and shall be stored inside or in a closed container which does not allow invasion by animals, or leaking. No trash and debris shall be allowed to accumulate on site outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (SUP #2005-0071)
10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2005-0071)

11. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2005-0071)
12. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES) (SUP #2005-0071)
13. Condition deleted. (P&Z)
14. Condition deleted by staff. (SUP #2005-0071)
15. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP2009-00018)
16. **CONDITION AMENDED BY STAFF:** The applicant shall ~~post a sign at the entrance that directs~~ encourage patrons to park off-street through the provision of information about the availability of parking at nearby garages and prohibits parking on the adjacent lot as long as the property owner objects. The applicant shall also offer a parking subsidy in which the regular parking price is discounted by at least \$1 on advertising and on the restaurant's website. (P&Z) (SUP #2005-0071)
17. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, and smoke and any other air pollutions from the property to operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP #2005-0071)
18. **CONDITION DELETED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for employees. (Police)
19. The applicant shall conduct employee training sessions on an ongoing basis, including part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP #2005-0071)
20. Condition deleted. (P&Z)
21. Condition satisfied. (P&Z)



22. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
23. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
24. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking and ~~provide employees who use mass transit with subsidized bus and rail fare media.~~ The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
25. **CONDITION ADDED BY STAFF:** All patrons must leave the premises one hour after the closing hour. (P&Z)
26. **CONDITION ADDED BY STAFF:** Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
27. **CONDITION ADDED BY STAFF:** All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
28. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
29. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
30. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z)
31. **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z)
32. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to

use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program.

33. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources.
34. **CONDITION ADDED BY STAFF:** The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends.

SUP2024-00022  
212 Queen Street

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2024-00022. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 212 Queen Street.

  
\_\_\_\_\_  
Applicant - Signature

4/4/2024  
Date

Byung Nam Lee  
\_\_\_\_\_  
Applicant - Printed

4/4/2024  
Date